

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ETAF GHANI,
Plaintiff,

01-CV-0675E(Sr)

-vs-

JO ANNE B. BARNHART, Commissioner
of Social Security Administration,
Defendant.

ORDER

The Honorable H. Kenneth Schroeder, Jr., a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on July 15, 2005 filed his Report and Recommendation concerning such, and no objection thereto having been made, and the substance and rationale of said Report and Recommendation having been considered by this Court, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, that the Commissioner's motion is denied, that plaintiff's motion is granted in part and that is action is remanded to the Commissioner for the sole purpose of calculating plaintiff's SSI benefits as of February 10, 1999.

DATED: Buffalo, N.Y.
August 4, 2005

/s/ John T. Elfvin

JOHN T. ELFVIN
S.U.S.D.J.